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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,740	05/11/2001	Kenneth Arneson	20-485	5000

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MANELLI DENISON & SELTER PLLC
2000 M Street, N.W., 7th Floor
Washington, DC 20036-3307

EXAMINER

LAstra, DANIEL

ART UNIT	PAPER NUMBER
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3622

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/852,740

Applicant(s)

ARNESON ET AL.

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-28 and 38-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-28 and 38-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 2 and 5-28 and 38-41 have been examined. Application 09/852,740 (System and method for providing wireless services) has a filing date 05/11/2001 and Claims Priority from Provisional Application 60203885 (05/12/2000).

Response to Amendment

2. In response to Final Rejection filed 11/27/2006, the Applicant filed an RCE on 03/23/2007, which amended claims 1, 9, 18, 21 and 38.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoffman (US 6,980,670).

As per claim 9, Hoffman teaches:

A method of providing e-commerce incentives, offering wireless airtime units to a user in response to said user *having actively interacted with a given web site* (see

column 4, lines 3-25; column 5, lines 15-20; col 17, lines 45-60; col 28, lines 45-65; col 32, lines 15-30).

As per claim 10, Hoffman teaches:

The method of providing e-commerce incentives according to claim 9, wherein said action on said web site comprises: selection of an electronic advertisement (see column 3, lines 55-67). It is inherent that purchasing of an item at a website is selecting the item which is also an advertisement.

As per claim 11, Hoffman teaches:

The method of providing e-commerce incentives according to claim 9, wherein said action on said web site comprises: returning to said web site (see column 4, lines 1-25).

As per claim 12, Hoffman teaches:

The method of providing e-commerce incentives according to claim 9, wherein said action on said web site comprises: obtaining electronic services (see column 4, lines 1-25).

As per claim 13, Hoffman teaches:

The method of providing e-commerce incentives according to claim 9, further comprising: monitoring said web site to determine if said user performs said action on said web site (see column 4, lines 1-25).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5-8, 18, 21-28 and 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz (US 6,424,706) in view of Hoffman (US 6,980,670).

As per claim 1, Katz teaches:

A method of purchasing goods or services, comprising:

directing payment for goods or services with said wireless airtime units credited to said wireless service account (see column 4, lines 39-67) but fails to teach crediting wireless airtime units to a wireless service account *based on an* interaction of an entity with a *web site of a* seller of goods or services. However, Hoffman teaches awarding airtime minutes to users by said users performing action on websites of Internet Reward providers (see Hoffman column 4, lines 3-25; column 5, lines 10-20; col 17, lines 44-60; col 28, lines 45-62; col 32, lines 15-27). Therefore, because users of the Katz system can place orders via online websites (see Katz col 8, lines 15-20), then it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Katz would be motivated to award users with airtime minutes by said users performing actions on said online websites of Internet reward providers, as taught by Hoffman in order that said users have an incentive to visit said website of said Internet reward providers and purchase products or services from said providers.

As per claim 2, Katz teaches:

The method of purchasing goods or services according to claim 1, wherein: said directing payment is for payment of goods (see column 4, lines 39-67).

As per claim 5, Katz teaches:

The method of purchasing goods or services according to claim 1, wherein: said directing payment is for payment of a service (see column 4, lines 39-67).

As per claim 6, Katz teaches:

The method of purchasing goods or services according to claim 1, wherein: said directing payment transfers wireless airtime units from a buyer's account to a seller's account (see column 4, lines 39-67).

As per claim 7, Katz teaches:

The method of purchasing goods or services according to claim 6, wherein: said wireless airtime units can be used in a metered wireless communications system (see column 4, lines 39-65).

As per claim 8, Katz teaches:

The method of purchasing goods or services according to claim 6, wherein: said wireless airtime units can be used in post-paid wireless communications system (see column 8, lines 15-33).

As per claim 18, Katz teaches:

A method of conducting e-commerce, comprising:

crediting a wireless device account associated with a user with a given number of wireless airtime units (see column 4, lines 39-67) but fails to teach on said user *having actively interacted with a given web page*. However, Hoffman teaches awarding airtime

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minutes to users by said users performing action on websites of Internet Reward providers (see Hoffman column 4, lines 3-25; column 5, lines 10-20; col 17, lines 44-60; col 28, lines 45-62; col 32, lines 15-27). Therefore, because users of the Katz system can place orders via online websites (see Katz col 8, lines 15-20), then it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Katz would be motivated to award users with airtime minutes by said users performing actions on said online websites of Internet reward providers, as taught by Hoffman in order that said users have an incentive to visit said website of said Internet reward providers and purchase products or services from said providers.

As per claim 21, Katz teaches:

A method of paying for an offering, comprising:

maintaining a count of said wireless airtime units in said wireless service account associated with an entity (see column 4, lines 39-67); and

reducing said maintained count of wireless airtime units in said wireless service account when said entity exchanges wireless airtime units for a *given good or service* (see column 4, lines 39-67). Katz fails to teach crediting wireless airtime units to a wireless service account *based on an* interaction of an entity with a *web site of a* seller of goods or services. However, Hoffman teaches awarding airtime minutes to users by said users performing action on websites of Internet Reward providers (see Hoffman column 4, lines 3-25; column 5, lines 10-20; col 17, lines 44-60; col 28, lines 45-62; col 32, lines 15-27). Therefore, because users of the Katz system can place orders via online websites (see Katz col 8, lines 15-20), then it would have been obvious to a

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person of ordinary skill in the art at the time the application was made, to know that Katz would be motivated to award users with airtime minutes by said users performing actions on said online websites of Internet reward providers, as taught by Hoffman in order that said users have an incentive to visit said website of said Internet reward providers and purchase products or services from said providers.

As per claim 22, Katz teaches:

The method of paying for an offering according to claim 21, further comprising:

selling a product wherein said product can be purchased in exchange for a predefined number of said wireless airtime units in a wireless service account associated with a purchaser of said product selling said product through a web site (see column 4, lines 39-67; column 8, lines 15-19).

As per claim 23, Katz teaches:

The method of paying for an offering according to claim 21, further comprising:

accepting a predefined number of said wireless airtime units in exchange for said offering (see column 4, lines 39-67).

As per claim 26, Katz teaches:

The method of paying for an offering according to claim 21, wherein:

said wireless airtime units represent metered wireless services (see column 5, lines 40-50).

As per claim 24, Katz teaches:

The method of paying for an offering according to claim 21, wherein: by performing an action on a web site (see Katz col 8, lines 15-20) but fails to teach said

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wireless airtime units are earned by said action. However, Hoffman teaches awarding airtime minutes to users by said users performing action on websites of Internet Reward providers (see Hoffman column 4, lines 3-25; column 5, lines 10-20; col 17, lines 44-60; col 28, lines 45-62; col 32, lines 15-27). Therefore, because users of the Katz system can place orders via online websites (see Katz col 8, lines 15-20), then it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Katz would be motivated to award users with airtime minutes by said users performing actions on said online websites of Internet reward providers, as taught by Hoffman in order that said users have an incentive to visit said website of said Internet reward providers and purchase products or services from said providers.

As per claim 25, Katz teaches:

The method of paying for an offering according to claim 21, but fails to teach wherein: said wireless airtime units are earned by visiting a web site. However, the same argument made in claim 24 regarding said missing limitation is also made in claim 25.

As per claim 27, Katz teaches:

The method of paying for an offering according to claim 21, but fails to teach further comprising: crediting at least one wireless airtime unit to said wireless service account in response to behavior by said entity. However, the same rejection applied to claim 24 regarding this missing limitation is also made in claim 27.

As per claim 28, Katz teaches:

The method of paying for an offering according to claim 21, but fails to teach further comprising: crediting one or more wireless airtime units to said wireless service account in response to said entity visiting a web site. However, the same argument made in claim 24 with respect to said missing limitation is also made in claim 28.

As per claim 38, Katz teaches:

An incentive offering system, comprising:

a wireless service account associated with an entity, said wireless service account maintaining a count of wireless airtime units (see column 4, lines 39-65) but fails to teach and a processor in communication with both an e-tailer website and said wireless service account, said processor being configured to increase said count of wireless airtime units when said entity *actively interacts with a given feature of* e-tailer web site. However, Hoffman teaches awarding airtime minutes to users by said users performing action on websites of Internet Reward providers (see Hoffman column 4, lines 3-25; column 5, lines 10-20; col 17, lines 44-60; col 28, lines 45-62; col 32, lines 15-27). Therefore, because users of the Katz system can place orders via online websites (see Katz col 8, lines 15-20), then it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Katz would be motivated to award users with airtime minutes by said users performing actions on said online websites of Internet reward providers, as taught by Hoffman in order that said users have an incentive to visit said website of said Internet reward providers and purchase products or services from said providers.

As per claim 39, Katz teaches:

The incentive offering system according to claim 38, but fails to teach wherein:

said e-tailer's web site is configured to monitor activity of said entity to determine if said entity has earned offered wireless airtime units; and said e-tailer's web site is configured to communicate with said processor to update said wireless service account with said earned wireless airtime units. However, the same argument made in claim 38 regarding said missing limitation is also made in claim 39.

As per claim 40, Katz teaches:

The incentive offering system according to claim 38, wherein:

said wireless service account is updateable with additionally purchased wireless airtime units (see column 2, lines 1-40) but fails to teach from said e-tailer. However, the argument made in claim 38 regarding said missing limitation is also made in claim 40.

As per claim 41, Katz teaches:

The incentive offering system according to claim 38, wherein:

said wireless service account is updateable with additionally purchased wireless airtime units from said wireless service account (see column 2, lines 3-42).

5. Claims 14-17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman (US 6,980,670) in view of Katz (US 6,424,706).

As per claim 14, Hoffman does not expressly teach:

The method of providing e-commerce incentives according to claim 13, further comprising: creating a wireless service account for said user in response to said user performing said action on said web site. However, Katz teaches providing customer with wireless service accounts (see Katz col 6, lines 40-55). Therefore, it would have been

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obvious to a person of ordinary skill in the art at the time the application was made, to know that Hoffman would credit unit-minutes to Katz's recipient accounts in order that said recipient would be able to access to said wireless account to purchase goods or services using said unit-minutes.

As per claim 15, Hoffman does not expressly teach:

The method of providing e-commerce incentives according to claim 14, further comprising: crediting said wireless service account with said wireless airtime units. However, Katz teaches providing customer with wireless service accounts (see Katz col 6, lines 40-55). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Hoffman would credit unit-minutes to Katz's recipient accounts in order that said recipient would be able to access to said wireless account to purchase goods or services using said unit-minutes.

As per claim 16, Hoffman does not expressly teach:

The method of providing e-commerce incentives according to claim 14, further comprising: crediting said wireless service account when said user purchases wireless airtime units. However, Katz teaches a prepaid card wireless system that allows subscribers to purchase additional wireless minutes (see Katz column 2, lines 15-25). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Hoffman would allow a user to purchase additional wireless minutes, as taught by Katz in order that said user is allowed to continue using a communication device when the user's airtime minutes are already used up.

As per claim 17, Hoffman does not expressly teach:

The method of providing e-commerce incentives according to claim 15, but fails to teach further comprising: reducing a count of wireless airtime units in said wireless service account when said user uses a wireless communications device based on said wireless service account. However, the same rejection applied to claim 16 is also applied to claim 17.

As per claim 19, Hoffman does not expressly teach:

The method of conducting e-commerce according to claim 18, further comprising: creating a phone service account for said user in response to said user accessing said electronic information. However, the same argument made in claim 14 regarding this missing limitation is also made in claim 19.

As per claim 20, Hoffman does not expressly teach:

The method of conducting e-commerce according to claim 18, wherein:
said wireless account is a metered phone service account. However, the same argument made in claim 14 regarding this missing limitation is also made in claim 20.

Response to Arguments

6. Applicant's arguments filed 03/23/2007 have been fully considered but they are not persuasive. The Applicant argues that neither Hoffman nor Katz teach earning wireless airtime units for interaction with a website. The Examiner answers that Applicant's claim recites "crediting wireless airtime units to a wireless service account based on an interaction of an entity with a web site of a seller of goods or services; and directing payment for goods or services with said wireless airtime units credited to said

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wireless service account". If the units that are awarded are for interaction with a web site are used for paying goods or service, then said wireless airtime unit has nothing to do with wireless or airtime and said airtime minutes are simply credit or points earned for visiting a web site.

The Applicant argues that is not understood how the definition of an IPT (*i.e.* Internet Point-of-sale terminal) listed in Hoffman at col 32, lines 21-27 ties with Hoffman teaching at col 4 and furthermore, the Applicant argues that the Examiner is mashing the definition of IPT with the tokenless electronic reward system taught at col 4 with improper hindsight. The Examiner answers that Hoffman teaches a system where users do not need to use a card to identify themselves (*i.e.* tokenless) and where Internet reward providers (see Hoffman col 32, lines 15-20) award users with free airtime minutes for purchasing products from said providers. Furthermore, Hoffman defines IPT as simply the Internet point of sale terminal presented to users in order that said users are able to purchase products via the Internet and receive reward based upon said purchase (see col 4, lines 5-25). Therefore, contrary to Applicant's argument, Hoffman teaches crediting users with wireless minutes based upon said users interaction with a website of a seller of goods or services (*i.e.* Internet service provider).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra

May 31, 2007


RETTA YEHEDEGA
PRIMARY EXAMINER